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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,082	04/20/2001	David D'Arcy Clifford	T8466709US	2707

7590 03/26/2002

DYKEMA GOSSETT PLLC  
39577 WOODWARD, SUITE 300  
BLOOMFIELD HILLS, MI 48304

EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

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DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

A9-6

**Office Action Summary**

Application No.

09/839082

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

**Application Papers**

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

**Office Action Summary**

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1. Applicant is advised of possible benefits under 35 U.S.C. § 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

2. The disclosure is objected to because of the following informalities: Page 10 line 1 - delete "CLAIMS" (as being unnecessary).

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 are rejected under 35 U.S.C. § 102(b) as being (clearly) anticipated by Clifford.

Clifford discloses that it is known to form an (apparently) non-planar laminate (i.e. a shaped laminate used e.g. in the production of vehicle bodies, appliances etc.) via a process wherein an adhesive resin (which is apparently thermosetting) impregnated paper sheet is interposed between two metal (e.g. steel etc.) substrates and the layup so formed subjected to conditions such that lamination or bonding is

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effected among the parts. (Figs. 1 and 11, Abstract, N.B. column 1 lines 15-19, column 2 lines 16-18 and 49-51, column 3 lines 5-21, column 5 lines 19-35, N.B. column 6 lines 22-35 and also lines 49-57). All of the essential limitations of these claims as presented are seen to be satisfied by this reference. Further regarding this rejection, it is noted that although one's own invention cannot be used against oneself ABSENT a statutory bar (Illinois Tool v. Solo Cup 172 USPQ 385), such a bar is held to indeed exist in the instant situation.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-22 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Clifford in view of Pohl et al.

Pohl et al. disclose that it is known to form a shaped laminate (of the type disclosed in Clifford, i.e. one composed of two metal substrates and an interposed plastic resin adhesive layer) via a process wherein the aforementioned three layers are

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contacted and the layup so formed subjected to conditions such that laminational bonding AND (simultaneous) shaping is effected among and on the part (Figs. 1-3, Abstract, column 1 line 55 thru column 3 line 4), such that it would have been obvious to one of ordinary skill in this art to employ the conventional bonding and shaping technique of Pohl et al. in/in conjunction with the process of Clifford (IF this technique is not already employed therein (i.e. to form SHAPED, non-planar composites) OR, in the alternative in place of the corresponding, analogous formation technique employed therein); mere substitution of one known formation technique for another (and in/from a most similar if not identical environment) involved.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ~~305-3599~~ <sup>872-9310</sup>.

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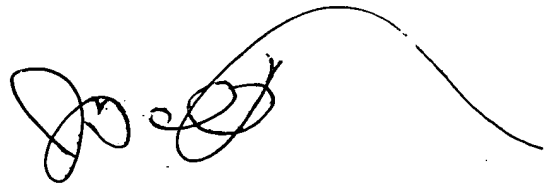
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

  
JJGallagher:cdc

March 12, 2002



JOHN J. GALLAGHER  
PRIMARY EXAMINER  
ART UNIT ~~131~~ / 733